IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WP(C).No. 13597 of 2006(R)

PETITIONER:

P.,RAGHAVAN, AGED 80 YEARS,
S/O.GOVINDAN, PATTERI HOUSE, MANGAD,
KALLIASSERY P.O. KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN

RESPONDENTS:

1. **UNION OF INDIA,**
   REPRESENTED BY UNDER SECRETARY TO GOVERNMENT,
   MINISTRY OF HOME AFFAIRS, FREEDOM FIGHTERS CELL,
   LOK NAYAK BHAVAN, NEW DELHI.

2. **STATE OF KERALA, REPRESENTED BY THE**
   SECRETARY TO GOVERNMENT, DEPARTMENT OF GENERAL
   ADMINISTRATION, THIRUVANANTHAPURAM.

3. **THE DISTRICT COLLECTOR.**
   KANNUR.

BY ADV. SRI.JAYAPRADEEP. V., ADDL.CGSC
GOVERNMENT PLEADER SRI. K.V.MANOJ R2- R3

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

T.R.RAMACHANDRAN NAIR, J.

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WP(C).No.13597 of 2006-R.

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Dated this the 3rd day of August, 2007.

J U D G M E N T

This writ petition is filed seeking for a direction to the respondents to consider and pass orders on the application submitted by the petitioner for the grant of pension under the Swathanthrata Sainik Samman (SSS) Pension. The application is produced as Ext.P3. The petitioner's claim is that he had gone under-ground in connection with the Morazha Struggle and Aron Mill Struggle. The period shown in the application is from 15.9.1940 to 15.5.1941 as far as Morazha Struggle is concerned. The petitioner has also produced certain documents evidenced by Exts.P4 to P6 which are the personal knowledge certificates. It is also the case of the petitioner that he had lost his job pursuant to the participation in the Aron Mill Struggle and his application is liable to be considered on that basis also.

2. The first respondent has filed a counter-affidavit wherein details of the scheme have been pointed out. It is submitted that the applicant will have to furnish various documents to prove his claim. It is also submitted that in the absence of records, he will have to produce a Non-Availability of Records Certificate (NARC) from the concerned authorities along with a Personal Knowledge Certificate (PKC) from a prominent freedom fighter

who had undergone imprisonment for a period of at least two years or more. It is also pointed out that the application of the petitioner has not been received in the Ministry and therefore the first respondent is not in a position to examine the case.

3. The learned Government Pleader appearing for the State also points out that along with the application filed by the petitioner the required NARC has not been produced. It is submitted that hearing was conducted on 25.7.2006 by the District Collector, Kannur. It is further submitted that the petitioner was made aware of the fact that the required certificates have not been produced by him in full along with the application. It is also submitted that the State Government will have to forward the required certificates for enabling the Central Government to consider the application and if only the petitioner make available the same then alone they can forward the same with the required certificate. The learned counsel for the petitioner submits that a further opportunity may be given to the petitioner to produce required NARC.

4. Therefore, if the petitioner produces evidence by way of official records to prove his claim or in its absence valid NARC before the District Collector along with any other documents to support his claim within two months from today, the District Collector will take appropriate steps to forward the same to the 2nd respondent with his report for the purpose of

transmission to the first respondent. The State Government will have to forward the verification report also along with the documents. On receipt of the required application from the petitioner, the 2nd and 3rd respondents will take further action within two months thereafter.

With the above directions, the writ petition is disposed of. No costs.

Sd/-
T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-

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